THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 33544 OF 1997

DATE: 20-3-2007

Between:

J.Ravi Prasad ... Petitioner

And

The Managing Director,

APSRTC, Hyderabad and another ... Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 33544 OF 1997

ORDER:

Petitioner seeks a direction to the respondents to absorb him as tinsmith/coach builder by declaring the inaction of the respondents as illegal and arbitrary.

The petitioner claims to have worked in private bus No.APS 6579, in route from Srikakulam to Thotada, from 1983 to November 1989. On the route being nationalized the petitioner claims to have applied for being appointed as tinsmith/coach builder. Petitioner claims to have been informed in the interview that he would be required to attend for the medical test and thereafter to have been appointed as a tinsmith/coach builder on a contract basis in January 1988 in Palakonda depot. Petitioner claims to have sent representation dated 4.5.1976 but to no avail.

In the counter affidavit it is stated that five employees, found to be genuinely displaced against vehicle No.APS 6579, were absorbed and that there is no record to show that the petitioner worked in the said displaced vehicle. Respondent would deny that the petitioner had applied for absorption as a tinsmith/coach builder. They would also deny as false and incorrect the allegation that the petitioner was called for interview and to have been asked in the interview to attend for a test. Respondents would emphasize that there is no record to show that he was called for interview. They would also deny that the petitioner was ever appointed as tinsmith/coach builder on contract basis in January, 1988 in Palakonda depot. Respondents would contend that since nationalization took place in the year 1987, and all the genuine displaced employees had already been absorbed in the year 1987-88, the question of initiating any action

for absorption after a lapse of nine years did not arise. They would refer to the circular dated 10.11.1983 to submit that only three drivers and two conductors on every displaced vehicle, who have worked for a minimum period of one year as on the date of nationalization and were found to be genuinely displaced employees, were eligible for absorption. According to the respondents with regards the other mechanical staff like cleaners, a norm was fixed keeping the high bus staff ratio based on the vehicles displaced in each district and thereunder only candidates who had worked for more one year on private vehicles were eligible to be considered for appointment to the post of Artisans, Cleaners etc., and if more candidates than the number indicated had appeared for the trade test, the candidates who had put in more number of years of service for/on replaced private vehicles were considered to the extent of vacancies indicated and for other posts of Tradesmen, which includes coach builder, tinsmith etc., the norm fixed was 0.165 and based on the said norm the vacancies were filled up from among the genuine displaced employees. Respondents would state that there is no separate provision for absorption in each category of Artisans and these categories were filled up by conducting a trade test only from the shed workers and artisans who had put in more number of years of service to the extent of vacancies earmarked.

In view of the specific denials in the counter affidavit I see no reason to examine these disputed questions of fact. Leaving it open to the petitioner to avail such other remedies as are available to him in law, the writ petition is accordingly dismissed. No order

as to costs.

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20-3-2007
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